

Presentment Date and Time: June 18, 2012 at 4:00 p.m. (Eastern Time)
Response Deadline: June 18, 2012 at 12:00 p.m. (Eastern Time)

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Attorneys for Motors Liquidation
Company GUC Trust

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re : Chapter 11 Case No.
: :
MOTORS LIQUIDATION COMPANY, *et al.* : 09-50026 (REG)
f/k/a General Motors Corp., *et al.* :
: :
Debtors. : (Jointly Administered)
: :
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**NOTICE OF PRESENTMENT OF
ORDER DISALLOWING AND EXPUNGING
CLAIM NUMBERS 65318 AND 65399 FILED BY KYOMI POSTLEY**

PLEASE TAKE NOTICE that, the Motors Liquidation Company GUC Trust (the “**GUC Trust**”), formed by the above-captioned debtors (collectively, the “**Debtors**”) in connection with the Debtors’ Second Amended Joint Chapter 11 Plan dated March 18, 2011, will present the attached Order (the “**Proposed Order**”) to the Honorable Robert E. Gerber, United States Bankruptcy Judge, for approval and signature at Room 621 of the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”), One Bowling Green, New York, New York 10004 on **June 18, 2012, at 4:00 p.m. (Eastern Time)**, disallowing and expunging Claim Numbers 65318 and 65399 (the “**Claims**”) filed by Kyomi Postley (“**Postley**”).

PLEASE TAKE FURTHER NOTICE that, on June 19, 2008, Postley filed a personal injury lawsuit (the “**Action**”) against General Motors Corporation (“**Old GM**”) in the Western District of Louisiana (the “**District Court**”) (*Kyomi Postley v. General Motors Corp.*, Case No. 08-cv-00883) on behalf of herself and her two minor children;

PLEASE TAKE FURTHER NOTICE that Old GM filed a motion to dismiss the Action, which motion was granted, with prejudice, on September 17, 2008. On March 6, 2009 the District Court denied Postley’s motion for reconsideration of its decision dismissing the Action (the “**District Court Decision**”);

PLEASE TAKE FURTHER NOTICE that, on April 6, 2009, Postley appealed the District Court Decision to the Fifth Circuit Court of Appeals (*Kyomi Postley v. General Motors Corp.*, Case No. 09-30330, the “**Appeal**”);

PLEASE TAKE FURTHER NOTICE that, on June 1, 2009 (the “**Commencement Date**”), Debtors commenced voluntary cases under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) in the Bankruptcy Court;

PLEASE TAKE FURTHER NOTICE that, pursuant to section 362 of the Bankruptcy Code, an automatic stay went into effect on the Commencement Date barring, *inter alia*, the commencement or continuation of any judicial action or proceeding against Debtors, including the Appeal;

PLEASE TAKE FURTHER NOTICE that, on November 30, 2009, Postley timely filed the Claims, described below, which seek recovery for the causes of action asserted in the Action:

| <u>Claim Number</u> | <u>Filed Amount</u> |
|----------------------------|----------------------------|
| 65318 | \$8,000,000.00 |

| | |
|-------|----------------|
| 65399 | \$8,000,000.00 |
|-------|----------------|

PLEASE TAKE FURTHER NOTICE that, based upon the agreement of the parties, the Bankruptcy Court entered an order lifting the automatic stay to allow the parties to proceed with the Appeal (D.E. 11368);

PLEASE TAKE FURTHER NOTICE that, on May 30, 2012, the Fifth Circuit Court of Appeals affirmed the District Court Decision (the “**Fifth Circuit Decision**”);

PLEASE TAKE FURTHER NOTICE that, given the Fifth Circuit Decision, there can be no reasonable dispute that the Claims do not give rise to a prepetition right of payment against the Debtors. Consequently, the GUC Trust is seeking entry of the Proposed Order disallowing and expunging the Claims;

PLEASE TAKE FURTHER NOTICE that objections to the Proposed Order must be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court, and shall be filed with the Bankruptcy Court (a) electronically in accordance with General Order M-399 (which can be found at www.nysb.uscourts.gov) by registered users of the Bankruptcy Court’s filing system, and (b) by all other parties in interest, on a CD-ROM or 3.5 inch disk, in text-searchable portable document format (PDF) (with a hard copy delivered directly to Chambers), in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, and served in accordance with General Order M-399 and on (i) Dickstein Shapiro, LLP, attorneys for the GUC Trust, 1633 Broadway, New York, New York, 10019-6708 (Attn: Barry N. Seidel, Esq., and Stefanie Birbrower Greer, Esq.); (ii) the Debtors, c/o Motors Liquidation Company, 401 South Old Woodward Avenue, Suite 370, Birmingham, Michigan 48009 (Attn: Thomas Morrow); (iii) General Motors, LLC, 400 Renaissance Center, Detroit, Michigan 48265 (Attn: Lawrence S. Buonomo, Esq.); (iv)

Cadwalader, Wickersham & Taft LLP, attorneys for the United States Department of the Treasury, One World Financial Center, New York, New York 10281 (Attn: John J. Rapisardi, Esq.); (v) the United States Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 2312, Washington, D.C. 20220 (Attn: Joseph Samarias, Esq.); (vi) Vedder Price, P.C., attorneys for Export Development Canada, 1633 Broadway, 47th Floor, New York, New York 10019 (Attn: Michael J. Edelman, Esq. and Michael L. Schein, Esq.); (vii) Kramer Levin Naftalis & Frankel LLP, attorneys for the statutory committee of unsecured creditors, 1177 Avenue of the Americas, New York, New York 10036 (Attn: Thomas Moers Mayer, Esq., Robert Schmidt, Esq., Lauren Macksoud, Esq., and Jennifer Sharret, Esq.); (viii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004 (Attn: Tracy Hope Davis, Esq.); (ix) the U.S. Attorney's Office, S.D.N.Y., 86 Chambers Street, Third Floor, New York, New York 10007 (Attn: David S. Jones, Esq. and Natalie Kuehler, Esq.); (x) Caplin & Drysdale, Chartered, attorneys for the official committee of unsecured creditors holding asbestos-related claims, 375 Park Avenue, 35th Floor, New York, New York 10152-3500 (Attn: Elihu Inselbuch, Esq. and Rita C. Tobin, Esq.) and One Thomas Circle, N.W., Suite 1100, Washington, DC 20005 (Attn: Trevor W. Swett III, Esq. and Kevin C. Maclay, Esq.); (xi) Stutzman, Bromberg, Esserman & Plifka, A Professional Corporation, attorneys for Dean M. Trafellet in his capacity as the legal representative for future asbestos personal injury claimants, 2323 Bryan Street, Suite 2200, Dallas, Texas 75201 (Attn: Sander L. Esserman, Esq. and Robert T. Brousseau, Esq.); (xii) Gibson, Dunn & Crutcher LLP, attorneys for Wilmington Trust Company as GUC Trust Administrator and for Wilmington Trust Company as Avoidance Action Trust Administrator, 200 Park Avenue, 47th Floor, New York, New York 10166 (Attn: Keith Martorana, Esq.); (xiii) FTI Consulting, as the GUC Trust

Monitor and as the Avoidance Action Trust Monitor, One Atlantic Center, 1201 West Peachtree Street, Suite 500, Atlanta, Georgia 30309 (Attn: Anna Phillips); (xiv) Crowell & Moring LLP, attorneys for the Revitalizing Auto Communities Environmental Response Trust, 590 Madison Avenue, 19th Floor, New York, New York 10022-2524 (Attn: Michael V. Blumenthal, Esq.); and (xv) Kirk P. Watson, Esq., as the Asbestos Trust Administrator, 2301 Woodlawn Boulevard, Austin, Texas 78703, so as to be received no later than **June 18, 2012, at 4:00 p.m. (Eastern Time)**;

PLEASE TAKE FURTHER NOTICE that, the Bankruptcy Court may schedule a hearing or enter an order substantially in the form of the Proposed Order, with no further notice or opportunity to be heard offered to any party;

Dated: New York, New York
June 1, 2012

/s/ Stefanie Birbrower Greer
Barry N. Seidel (BS-1945)
Stefanie Birbrower Greer (SG-2898)

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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| | x |
| In re | : |
| MOTORS LIQUIDATION COMPANY, et al. | : |
| f/k/a General Motors Corp., et al., | : |
| Debtors. | : |
| | : |
| | x |

ORDER DISALLOWING AND EXPUNGING CLAIM NUMBERS 65318 AND 65399

Upon the notice of presentment of the proposed order (the “**Proposed Order**”) disallowing and expunging Claim Numbers 65318 and 65399 filed by Kyomi Postley, based on the decision by the Fifth Circuit affirming dismissal of the litigation which is the subject of the Claims (the “**Fifth Circuit Decision**”), submitted by the Motors Liquidation Company GUC Trust (the “**GUC Trust**”), formed by the above-captioned debtors (collectively, the “**Debtors**”) in connection with the Debtors’ Second Amended Joint Chapter 11 Plan, dated March 18, 2011 (as may be amended, supplemented, or modified from time to time, the “**Plan**”); and due and proper notice of the Proposed Order having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought is in the best interests of the Debtors, their estates, creditors, and all parties in interest and after due deliberation and sufficient cause appearing therefor, it is:

ORDERED that Claim Numbers 65318 and 65399 are hereby disallowed and expunged; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: June , 2012
New York, New York

United States Bankruptcy Judge